

Exhibit 8

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DONALD J. TRUMP FOR : CIVIL ACTION NUMBER
PRESIDENT, INC. :
 :
 :
VERSUS :
 :
PHILADELPHIA COUNTY BOARD :
OF ELECTIONS : 20-5533

JAMES A. BYRNE U.S. COURTHOUSE
THURSDAY, NOVEMBER 5, 2020
COMMENCING AT 5:30 P.M.
PHILADELPHIA, PA 19106

BEFORE THE HONORABLE PAUL S. DIAMOND, J.

HEARING: MOTION FOR EMERGENCY INJUNCTION

APPEARANCES:

JEROME MARCUS, ESQUIRE
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JMARCUS@MARCUSLAW.US

COUNSEL FOR PLAINTIFF

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PROCEEDINGS RECORDED BY STENOGRAPHY-COMPUTER,
TRANSCRIPT PRODUCED BY COMPUTER-AIDED TRANSCRIPTION

1 MR. MARCUS: REPRESENTATIVES OF THE
2 DEMOCRATIC PARTY.

3 THE COURT: IS THAT TRUE, MS. CLAIBORNE?

4 MS. CLAIBORNE: NO, YOUR HONOR. AGAIN,
5 TO THE BEST OF OUR KNOWLEDGE, UNLESS THERE WERE --

6 THE COURT: "TO THE BEST OF MY KNOWLEDGE"
7 AND "AS FAR AS I KNOW" REALLY WON'T WORK TONIGHT.

8 MS. CLAIBORNE: NO, YOUR HONOR. NOT A
9 SINGLE OBSERVER. TO THE EXTENT THAT AN OBSERVER WAS NOT
10 COMPORTING WITH THE RULES, I BELIEVE THAT AT LEAST ONE
11 INDIVIDUAL WAS REMOVED BECAUSE THEY WERE BEHAVING
12 INAPPROPRIATELY, TO THE EXTENT THAT THEY WEREN'T
13 SOCIALLY DISTANCING OR ANY OTHER ISSUE --

14 THE COURT: HOW CLOSE ARE THE OBSERVERS
15 GENERALLY ALLOWED TO GET TO THE COUNTERS?

16 MS. CLAIBORNE: THAT WAS AT ISSUE TODAY.
17 THERE WAS AN ORDER TOO THIS MORNING THAT THEY BE WITHIN
18 SIX FEET. WE SHUT DOWN ALL OF OUR CANVASSING ACTIVITIES
19 EXCEPT FOR THE FIRST ROW CLOSEST TO THE BARRICADE. WE
20 MOVED THE BARRICADE UP. MS. STEPHANIE REID IS HERE TO
21 TESTIFY WE GOT A TAPE MEASURE, WE MEASURED OUT SIX FEET
22 AND THEY WERE ALLOWED TO STAND AT THE BARRICADE.

23 THE COURT: IT'S OKAY. I'M NOT A LAND
24 SURVEYOR. I JUST WANTED TO KNOW.

25 MR. MARCUS, I'LL GRANT YOU, IF THERE WERE

1 A COMPLETELY IRRATIONAL DECISION THAT PEOPLE WHO WERE, I
2 DON'T KNOW, UNDER FIVE FEET OR OVER FIVE FEET AREN'T
3 ALLOWED TO OBSERVE OR PEOPLE OF A CERTAIN RACE OR
4 RELIGION ARE NOT ALLOWED TO OBSERVE, I'D STILL HAVE
5 TROUBLE FIGURING OUT WHAT THE CONSTITUTIONAL INJURY IS,
6 BUT AT LEAST THERE WOULD BE SOME SORT OF A
7 DISCRIMINATION.

8 THEY'RE SAYING THAT YOUR PEOPLE ARE IN
9 THAT ROOM. ARE THEY IN THAT ROOM OR NOT? DOWN.

10 MR. MARCUS: DOWN. THEY ARE NOT BEING
11 GIVEN EQUAL ACCESS TO THE ROOM.

12 YOUR HONOR, I THINK --

13 THE COURT: EQUAL ACCESS IS REALLY -- ARE
14 THEY IN THE ROOM?

15 MR. MARCUS: THERE ARE NON -- THERE IS A
16 NONZERO NUMBER OF PEOPLE IN THE ROOM. THEY ARE NOT
17 BEING GIVEN --

18 THE COURT: NONZERO NUMBER OF PEOPLE.
19 DON'T KNOW WHAT THAT IS EITHER.

20 MR. MARCUS: MAY I RESPECTFULLY MAKE A
21 SUGGESTION, YOUR HONOR?

22 THE COURT: SURE.

23 MR. MARCUS: THE OTHER SIDE AND WE HAVE
24 WHAT I THINK IS A FACTUAL DISAGREEMENT ABOUT WHAT'S
25 ACTUALLY GOING ON.

1 THE COURT: I'M ASKING YOU AS A MEMBER OF
2 THE BAR OF THIS COURT, ARE PEOPLE REPRESENTING THE
3 DONALD J. TRUMP FOR PRESIDENT, REPRESENTING THE
4 PLAINTIFF, IN THAT ROOM?

5 MR. MARCUS: YES.

6 THE COURT: I'M SORRY, THEN WHAT'S YOUR
7 PROBLEM?

8 MR. MARCUS: THEY'RE NOT BEING GIVEN
9 EQUAL ACCESS TO THE ROOM. THEY'RE NOT BEING GIVEN
10 ACCESS TO -- THE FACTUAL REPRESENTATION THAT THEY WERE
11 WITHIN SIX FEET IS NOT ACCURATE, AS MY CLIENT WILL
12 TESTIFY. THEY CAN'T SEE --

13 THE COURT: HOW MANY FEET ARE THEY AWAY?

14 MR. MARCUS: AT ALL TIMES, YOUR HONOR, A
15 DISTANCE GREATER THAN ONE COULD ACTUALLY SEE. THE
16 DISTANCE VARIED BETWEEN 100 FEET AND 30 FEET.

17 THE COURT: ONE COULD ACTUALLY SEE WHAT?

18 MR. MARCUS: WHAT WAS ACTUALLY GOING ON.
19 THE PURPOSE OF HAVING THE OBSERVERS THERE IS SO THAT
20 THEY CAN OBSERVE THE OPENING OF INDIVIDUAL BALLOTS, THE
21 CHECKING OF SIGNATURES, THE SECURITY --

22 THE COURT: YOU CAN'T SEE FROM 30 FEET IF
23 AN ENVELOPE IS BEING OPENED? YOU'RE 30 FEET FROM ME
24 RIGHT NOW.

25 MR. MARCUS: CORRECT.

1 THE COURT: YOU DON'T THINK I CAN -- AND
2 BELIEVE ME, YOU WOULDN'T WANT ME PILOTING YOUR AIRCRAFT
3 WITH THESE 67-YEAR OLD EYES, BUT I COULD SEE IF YOU WERE
4 OPENING AN ENVELOPE AND LOOKING AT IT?

5 MR. MARCUS: YOU COULD SEE IF I WAS
6 OPENING AN ENVELOPE.

7 THE COURT: WHAT MORE DO THEY HAVE TO DO?
8 THEY'RE NOT GOING TO BE ALLOWED TO STAND OVER THEIR
9 SHOULDERS.

10 MR. MARCUS: NO. BUT THEY HAVE TO BE
11 GIVEN THE RIGHT TO SEE THE SIGNATURE, TO SEE WHETHER THE
12 SIGNATURE MATCHES THE SIGNATURE IN THE BOOK, TO SEE --

13 THE COURT: THEY WOULD HAVE TO BE CLOSER
14 THAN SIX FEET TO DO THAT.

15 MR. MARCUS: THE RULE WAS SIX FEET. SIX
16 FEET --

17 THE COURT: I UNDERSTAND. BUT WE HAVE A
18 VIRUS OUT THERE THAT THERE HAVE TO BE MORE ROOM -- I'M
19 SORRY, THERE WOULD BE LESS ROOM THAN SIX FEET. I DON'T
20 KNOW IF IT'S SAFE.

21 MS. CLAIBORNE, MR. WIYGUL, AGAIN, I'M NOT
22 A LAND SURVEYOR, I DON'T KNOW THAT I HAVE JURISDICTION
23 TO HEAR THIS. I JUST DECIDED WE SHOULD HAVE A HEARING
24 BECAUSE IT DOES SEEM TO ME THAT THE WHOLE THING IS GOING
25 TO BE MOOT IF WHAT I READ ON THE INTERNET IS CORRECT,